THE HON'BLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.9860 of 1999

Dated: 19-08-2005

Between:

T. Sri Rama

and two others.

...Petitioners.

And

Sri Veera Venkata Satyanarayana Swamyvari Devasthanam,

Annavaram, rep. by its Executive Officer.

...Respondent.

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WRIT PETITION NO.9860 of 1999

O R D E R:

This writ petition is filed seeking to declare the action of the respondent-Devasthanam in not regularizing the services of the petitioners, even after completion of five years service, as arbitrary and illegal.

It is asserted by the petitioners that they have completed five years of service and are entitled for regularization as per G.O.Ms.No.212, dated 22-04-1994.

In the counter-affidavit filed by the respondent-Devasthanam, it is asserted that the petitioners are not engaged as NMRs in the respondent-Devasthanam. More so, the respondent-Devasthanam discontinued the method of appointment of persons as NMRs as the Trust Board of the respondent-Devasthanam resolved to entrust the work on contractual basis i.e., at piece rate basis. That there is no master and servant relationship between the respondent-Devasthanam and the petitioners. That the respondent-Devasthanam used to pay amounts on calculation of work on peace rate basis and it does not know who is actually working as contract labour and how many workers are working under the contractor.

However, the learned counsel for the petitioners submits that the Commissioner of Endowments issued proceedings No.J2/8640/93 dated 11-06-1993 regularising the services of the persons those who have completed five years service and this Court in W.P.No.10690 of 1998 directed to implement the orders of the Commissioner. In fact the respondent-Devasthanam had implemented the orders of the Commissioner and regularized as many as fifteen persons on completion of five years of service through proceedings dated 27-02-2005, and by letter dated 10-07-1996, it accepted that the retrenched NMRs are working as contract labour and also certified as to this aspect on 08-11-1998.

In view of the above, without expressing any opinion on merits of the case, it would suffice to direct the respondent-Devasthanam to consider the case of the petitioners on par with the persons referred to in the above writ petition.

The writ petition is accordingly disposed of directing the respondent-Devasthanam to consider the case of the petitioners on par with the petitioners in W.P.No.10690 of 1998, if they are similarly situated as that of the petitioners therein and pass appropriate orders, in accordance with law, within a period of three months from the date of receipt of a copy of this order. No costs.

(C.V. RAMULU, J)

Date:19-08-2005

ghn